

Notice of Allowability

Application No.

10/777,922

Examiner

Tri T. Ton

Applicant(s)

YANG ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/23/06.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 02/11/04 and 05/10/05 have been entered. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Oath/Declaration

3. The Oath and Declaration filed on 02/11/2004 is acceptable.

Drawings

4. The drawings filed on 02/11/2004. These drawings are acceptable.

Allowable Subject Matter

5. **Claims 1-20 would be allowable.**

The following is a statement of reasons for the indication of allowable subject matter: there was no prior art found by the examiner that suggested modification or combination with the cited art so as to satisfy the combination of all the limitations in claims 1, 6, 13 and 14.

As to claim 1, the prior art of record, taken alone or in combination, fails to disclose or render limitations "irradiating a selected light beam onto the substrate, the selected light beam having a wavelength corresponding to a maximum value of the differential values between the respective first and second intensities;"

6. As to claim 6, the prior art of record, taken alone or in combination, fails to disclose or render limitations "comparing the first intensity variation with the second intensity variation in order to produce differential light intensity values between first intensities and second intensities corresponding to the first and second intensity variations, respectively; irradiating a second light beam onto the substrate, the second light beam having a second wavelength corresponding to a maximum value of the differential light intensity values".

7. As to claim 13, the prior art of record, taken alone or in combination, fails to disclose or render limitations "repeatedly irradiating first light beam in which a first wavelength of the first light beam is sequentially varied by a predetermined amount; selecting a second wavelength corresponding to a maximum value of the differential values produced during the irradiating of the first light beam;"

8. As to claim 14, the prior art of record, taken alone or in combination, fails to disclose or render limitations "comparing first intensities of first lights scattered from a surface of the substrate with second intensities of second lights scattered from impurities on the substrate, for producing differential values of light intensity between the first intensities and the second intensities, respectively, and for selecting a wavelength corresponding to a maximum value of the differential values".

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Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references of Peterson (US 5,179,422 A), Noguchi et al. (US 6,654,112 B2), Hayano (US 5,663,569 A), Emery et al. (US 5,563,702 A), Kinney et al. (US 5,909,276 A) and Guan et al. (US 2003/0086080 A1) teach of various features similar to the claimed invention.


This application is in condition for allowance.

Fax/Telephone Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri T. Ton whose telephone number is (571) 272-9064. The examiner can normally be reached on 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


JUNE 02, 2006
EXAMINER TRI TON/SN


Hoa Q. Pham
Primary Examiner
ART UNIT 2877
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2800